

Serial No. 09/991,810

REMARKS

This is a full and timely response to the outstanding final Office Action mailed March 30, 2004. Claims 1, 15, 20, and 34 have been amended herein. Claims 1-40 remain pending in the present application.

In the Office Action, pending claims 1-8 and 10-39 have been preliminarily rejected as being obvious under 35 U.S.C. § 103(a). The Examiner also acknowledged that claim 9 would be allowable if rewritten in independent form. In order to expedite the prosecution of the application, applicants have amended claims 1, 15, 20, and 34 to include the limitations of being a hand-held tool and having a measuring device extending laterally from the handle. The Applicants respectfully submit that references cited by the Examiner fail to disclose, teach, or suggest at least a hand-held tool with a measuring device that extends laterally from the handle. The Examiner references Element 76 of Ancona *et al.* (US Patent Application Publication 2002/0009016; hereinafter Ancona) as disclosing a handle. However, Ancona does not disclose, teach, or suggest a handle. Ancona discloses *a base* (FIG. 4A, element 76 and Page 2, Par. 0036). Merriam-Webster's Dictionary definition of "handle" is a **part that is designed to be graspable by the hand**. Even a broad interpretation of the word handle could not be read onto the base of Ancona. An interpretation broad enough to read on the base, as the Examiner suggests, would deviate from the dictionary meaning of the word "handle," changing the word's significance. The Applicants respectfully traverse all of the rejections of the Office Action.

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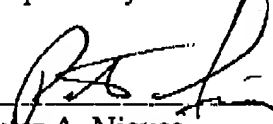
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Reconsideration and allowance of the subject application and presently pending claims 1-40 is respectfully requested.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, the Applicants respectfully submit that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 1-40 are in condition for allowance. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. If in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (603) 668-1400.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached First Response and Amendment corresponding to US Serial No. 09/991,810 and related papers described therein are being transmitted via facsimile to number (703) 872-9306 on May 25, 2004.

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